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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,519	09/28/2001	David A. Wyatt	42390P10978	4756

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

WU, XIAO MIN

ART UNIT PAPER NUMBER

2674

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,519

Applicant(s)

WYATT, DAVID A.

Examiner

XIAO M. WU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Khederzadeh et al. (US Patent No. 5,926,166).

As to claims 1, 7, 16, 20-22, 28, Khederzadeh discloses an apparatus comprising: a processor (32, Fig. 1) to respond to an even-driven action (20, Fig. 1); and a driver (34, Fig. 1) coupled to the processor (32) to perform a program function when an indication of the even-driven action is received from the processor, the driver (34) to control a response to the event-driven action (20) external to system management mode of the processor (e.g. the hot key I/F is located external to system management BIOS 28 as shown in Fig. 1). For example, as shown in Figs. 1 and 2, Khederzadeh discloses that while the computer operating system is active (i.e. running), an interrupt is generated in response to a user pressing the predetermined keyboard “hot key”. In response to each depression of the “hot key”, video display selection sequences, or toggles, through the following: displaying on LCD panel, displaying on CRT display 26, and simultaneously display on both LCD panel and CRT display 26. That is, the user may wish to perform the video display switching without having to re-enter a graphic type operating system (OS), such as Windows or OS/2 operating systems (see col. 1, lines 17-23; col. 2, line 62 to col. 3, line 8)

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As to claim 3, Khederzadeh discloses that the processor (32) responds to an event-driven action (e.g. hot key input) from an input/output device to perform a control action on a device (e.g. displays 24 and 26)

As to claim 4, Khederzadeh discloses that the display is controlled simultaneously by system firmware (14, Fig. 1) and soft ware device driver (12, Fig. 1).

As to claims 5, 30, Khederzadeh discloses a hot-key action to perform a control action on display altering it's current state or setting (col. 2, line 62 to col. 3, line 8).

As to claims 8, 9, 27, Khederzadeh discloses an interruption generation logic (e.g. SMI see col. 3, lines 9-21).

As to claims 10-12, 19, 23, Khederzadeh discloses that the control can be set and reset when it is completed (see Fig. 2). It is inherent to use a flag to set or reset a control device.

As to claims 13, 18, 24-26, 29, Khederzadeh discloses that the user can select different display settings (e.g. changing resolution).

As to claims 14, 15, 28, Khederzadeh further discloses a BIOS programming control. (30, Fig. 1).

Response to Arguments

3. Applicant's arguments filed 4/18/2005 have been fully considered but they are not persuasive.

Applicant argues that Khederzadeh performs his operations within the SMM and Khederzadeh repeatedly refers to SMM BIOS, which is the BIOS that is accessible while running in SMM. This argument is not persuasive because the claimed language does not required performing operation not within the SMM as argued by applicant. The claim only

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includes the limitation of “said driver to control a response to the event-driven action external to a system management mode of said processor”. Such claimed limitation is anticipated by Khederzadeh. For example, Khederzadeh clearly teaches videos drivers 34 to control a response to the event-driven action from hot key I/F 20 which is external to a system management mode of the processor 36 as shown in Fig. 1. It is believed that the broadly claimed structures still are met by Khederzadeh.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **XIAO M. WU** whose telephone number is **571-272-7761**. The examiner can normally be reached on **6:30 am to 4:00 pm**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD, can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

x.w.

August 4, 2005



XIAO M. WU
Primary Examiner
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